

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISON**

APPLIED MEDICAL RESOURCES CORP.,	)	
	)	
Plaintiff,	)	Civil Action No. 9:06-CV-211
	)	Civil Action No. 9:06-CV-213
v.	)	
	)	
TYCO HEALTHCARE GROUP LP	)	The Honorable Ron Clark
and UNITED STATES SURGICAL CORP.,	)	
	)	
Defendants.	)	
	)	

**STIPULATION AND ORDER OF DISMISSAL**

Pursuant to Federal Rule Of Civil Procedure 41(a)(1)(ii), Plaintiff Applied Medical Resources Corp. ("Applied") and Defendants Tyco Healthcare Group LP and United States Surgical Corp. (collectively "Tyco Healthcare"), by and through their respective counsel, hereby stipulate as follows:

A. Applied agrees that its claims relating to U.S. Patent No. 5,385,553 in Civil Action No. 9:06-CV-211 may be dismissed, with prejudice. Based on this agreement, Tyco Healthcare agrees that its defense and counterclaims relating to U.S. Patent No. 5,385,553 in Civil Action No. 9:06-CV-211 may be dismissed as moot.

B. The parties agree that the dismissals in Section A shall not prejudice or otherwise affect any claim, defense or counterclaim relating to U.S. Patent No. 5,385,553 in Civil Action No. SACV 03-1267 CJC (C.D. California).

C. Applied agrees that its claims relating to U.S. Patent No. 5,782,812 in Civil Action No. 9:06-CV-213 may be dismissed, with prejudice. Based on this agreement, Tyco Healthcare agrees that its defense and counterclaims relating to U.S. Patent No. 5,782,812 in Civil Action No. 9:06-CV-213 may be dismissed as moot.

Based on the above stipulations, and in the interest of efficiency and judicial economy, the Court hereby finds, adjudges and rules as follows:

1. Applied's claims relating to U.S. Patent No. 5,385,553 in Civil Action No. 9:06-CV-211 are hereby dismissed, with prejudice. Given this dismissal, Tyco Healthcare's defenses and counterclaims relating to U.S. Patent No. 5,385,553 in Civil Action No. 9:06-CV-211 are hereby dismissed as moot. Given these dismissals, Civil Action No. 9:06-CV-211 is hereby terminated, with each side to bear its own fees and costs.
2. The dismissals set forth in Section 1 are without prejudice to any claim, defense or counterclaim relating to U.S. Patent No. 5,385,553 in Civil Action No. SACV 03-1267 CJC (C.D. California).
3. Applied's claims relating to U.S. Patent No. 5,782,812 in Civil Action No. 9:06-CV-213 are hereby dismissed, with prejudice. Given this dismissal, Tyco Healthcare's defense and counterclaims relating to U.S. Patent No. 5,782,812 in Civil Action No. 9:06-CV-213 are hereby dismissed as moot. Given these dismissals, Civil Action No. 9:06-CV-213 is hereby terminated, with each side to bear its own fees and costs.

4. This Stipulation And Order Of Dismissal is without prejudice to any claims, defenses and counterclaims in Civil Action Nos. 9:06-CV-151 and 9:06-CV-212.

Respectfully Submitted,

*/s/ Robert Christopher Bunt w/permission*

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**SO ORDERED:**

This \_\_\_\_ day of \_\_\_\_\_, 2007

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HONORABLE RON CLARK